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6-19-2017

## 2017 - California State Lands Commission – Ranchos, Missions, Presidios and Pueblos

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### Recommended Citation

"2017 - California State Lands Commission – Ranchos, Missions, Presidios and Pueblos" (2017).  
*Miscellaneous Documents and Reports*. 46.  
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California  
STATE LANDS  
Commission



## Ranchos

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### Introduction

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The colonization of California began with the Spanish Empire's discovery of New Spain. Along with Mexico, the states of Texas, Arizona, New Mexico, California, and other lands, made up what was once known as New Spain.

California was one of the last of these Spanish territories to be occupied. The first Spanish colony to be established in California was the mission and presidio at San Diego. From this first settlement, the Spanish and Mexican governments founded four presidios, four pueblos, and 21 Catholic missions, along with granting vast amounts of rancho lands to private individuals.

When talking about this early Spanish California, the missions, pueblos, and presidios are invariably remembered. Almost everyone has visited or read about the old town or pueblo of San Diego, the missions at Santa Barbara or Monterey, the presidio at San Francisco, and the pueblo of Los Angeles. These places have become famous historical landmarks. The remnants of these landmarks at San Diego, San Francisco, and other cities are real: they are places we can identify with because of their physical presence. These are objects we can see and touch and visit on vacations or holidays: a living history lesson. It is much easier to conjure up the picture of Franciscan monks or Spanish soldiers when we are standing inside the missions or presidios.

One segment of this pastoral era of California history, which is not as easily remembered, is the Spanish and Mexican ranchos. These ranchos, at one time, covered some of the most fertile land in California. To say that the cities of Pasadena, Huntington Beach, San Clemente, Oakland, and many others, are on land once part of a Spanish land grant is a historical statement. This, however, is not a statement verifiable by the present reality. We cannot stand in downtown Pasadena and physically touch or see the old ranchos. There is no visible evidence of these large ranchos with their adobe houses. Consequently, they have become the almost forgotten portion of California's pastoral era.

Whatever brings to mind these early Spanish influences, it must be remembered that a majority of the fertile land in California, at one time, was influenced by this Spanish legacy. Land title problems can still be traced back to the government patents for these lands. An awareness of California history might entail the solving or reassessment of land title problems in particular situations.

### Private Land Claims in California

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At the time of Spanish colonization in California, all land title was vested in the Spanish Empire by virtue of discovery. Private land claims in California emanated from the Spanish, and later Mexican, governments practice of granting sovereign lands to private individuals.

When the presidios and pueblos were being established, the commandants of the presidios and the Alcaldes of the pueblos were given the authority to grant lots of land within their jurisdiction. From these presidial and pueblo lots evolved the granting of lands outside of these jurisdictions. These grants of land are known as Rancho Grants, and were granted in order to encourage agriculture and industry, reward soldiers, and to provide for settlers who held no property. These land grants were limited to a maximum size of eleven square leagues. Most were smaller and a few were larger. The Spanish government required the compliance of the following four steps for the granting of rancho lands.

1. The first step was the submitting of a petition by an applicant, containing the name, religion, residence occupation, and the size of the family. Along with a land description and, at times, a map of the tract (diseno). The diseno (map) and land description were usually very vague, calling to sloughs, trees, hills, and other features which were not very permanent.
2. The second step was the inquiries by officials into the availability of the land, the character of the applicant, and the posting of the petition in case another party had objections to the approval of the application.
3. The third step was the "Informe" which was usually a separate document or a note appended to the original application, stating the findings of the officials in Step Number 2. This third step usually entailed the actual grant of land or refusal of the grant of land.
4. The fourth and final step was the confirmation of the grant by the Viceroy. This final step made the title to the land perfect. The applicant or grantee was given possession by the Alcalde (local judge) who caused the grantee to pull up grass, throw stones, break twigs, and exclaim, "Viva el Presidente y la Nación Mexicana" (long live the President and the Mexican Nation). During the Mexican era, these four steps were also used with minor alterations.

Of the 800-plus rancho grants made, the Spanish government granted approximately 30. The remainders were granted by the Mexican Government.

The United States war with the Mexican Republic and eventual conquest of the southwest territories culminated in the year 1848 with the signing of the Treaty of Guadalupe Hildalgo. This treaty was the basis for establishing the rights of Mexicans to land title within the conquered territories. Within Article VIII of the treaty, the following is stated, "In the said territories, property of every kind, now belonging to

Mexicans not established there, shall be inviolably respected. The present owners, the heirs and all Mexicans who may hereafter acquire said property by contract shall enjoy ample as if the same belonged to citizens of the United States."

In order to implement the confirmation of these land titles, the Congress of the United States on March 3, 1851, established the Board of Land Commissioners, by virtue of an Act entitled, ("An Act to Ascertain and Settle Private Land Claims in the State of California, (U.S. Stats. at large, Volume 9, page 631).))

The following enactments are contained within this Act:

SECTION 1. "That for the purpose of ascertaining and settling private land claims in the State of California, a commission shall be, and is hereby constituted, which shall consist of three Commissioners, to be appointed by the President of the United States, by and with the advice and consent of the Senate, which commission shall continue for three years from the date of this Act, unless sooner discontinued by the President of the United States."

SECTION 8. "That each and every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican government, shall present the same to the said Commissioners when sitting as a Board, together with such documentary evidence and testimony of such witnesses as the said claimant relies upon in support of such claims: and it shall be the duty of the Commissioners, when the case is ready for hearings, to proceed promptly to examine the same upon such evidence, and upon the evidence produced in behalf of the United States, and to decide upon the validity of the said claim, and within thirty days after such decision is rendered, to certify the same, with the reasons on which it is founded, to the District Attorney of the United States, in and for the district in which such decision shall be rendered."

SECTION 14. "And be it further (1) that the provisions of this Act shall not extend to any town lot, farm lot, or pasture lot, held under a grant from any corporation or town to which lands may have been granted for the establishment of a town by the Spanish or Mexican government, or the lawful authorities thereof, nor to any city, or town, or village lot, which city, town, or village existed on the seventh day of July, eighteen hundred and forty-six; but the claim for the same shall be presented by the corporate authorities of the said town, or where the land on which the said city, town, or village was originally granted to an individual; (2) and the fact of the existence of the said city, town, or village on the said seventh of July, eighteen hundred and forty-six, being duly proved, shall be prima facie evidence of a grant to such corporation, or to the individual under whom the said lot holders claim; (3) and where any city, town, or village shall be in existence at the time of passing this Act. the claim for the land embraced within the limits of the same may be made by the corporate authority of the said city, town, or village."

The procedures within this Act placed the burden of proof on the individuals seeking confirmation of private land claims. While these procedures discouraged the filing of fraudulent claims, the valid claims were encumbered by the costly lawyers, the difficulty of finding absolute proof of ownership and the different laws, customs, and languages involved. Added to these difficulties was the time involved for the landowners to receive a final patent to their land. The average length of time for a final patent to be issued, after the filing of an original petition, was seventeen years, some took as long as, thirty-five to forty years. The cost of this litigation and confirming process was charged to the applicant.

The Board of Land Commissioners tenure was extended to five years and the Board adjourned on March 1, 1856. In these five years, 813 cases involving private land claims were heard by the Commission; 604 claims were confirmed; 190 rejected; and the rest were withdrawn. Of these 813 cases, only three were decided by the Board; the rest were appealed to the District Court and then a majority of these were finally decided by the Supreme Court.

The initial confirmation of a private land claim by the Commissioners was only a small step towards the issuing of a final patent. After confirmation by the Commissioners, appeals to the District Court, and Supreme Court, were argued until the Commissioner's confirmation was upheld or reversed. Once confirmed by the courts, a survey of the land was performed. Sometimes, either because of objections by adjacent landowners or because of discrepancies within the survey, more than one survey was needed. The survey costs were at the expense of the claimant. When these survey costs were paid and the survey advertised in the newspaper, per the Act of Congress approved July 1, 1864, the applicant could then petition the General Land Office for a final patent. Because of the time and money involved, the original confirmer was sometimes forced to sell the property. Consequently, in some cases, the individual who eventually received the final patent was not the original petitioner, or confirmer. The process of land confirmation of private land claims by the United States was tenuous at best. Arguments against the process have been submitted by historians and scholars. The most persistent argument being the criticizing of the undue hardships that applicants endured in order to receive confirmation to land they already owned. In retrospect, the confirmation of the private grants could have been made easier and less expensive for the landowners. However, one must realize that at the time of these confirmation hearings, the mood of the country was that of the conquering warriors. Mexico had just been defeated in a war and the United States was not about to give away land that it had just fought for. Consequently, the burden of proof was placed onto the Mexicans and naturalized citizens of conquered Mexico.

The California State Surveyor-General's Office, in his report for ((August 1, 1879 to August 1, 1880,)) included a listing of private land claims within California. This list was entitled, ("Report of Spanish or Mexican Grants in California,") prepared by James T. Stratton, late United States Surveyor-General, now Deputy State Surveyor-General. The grant name, confirmer, and condition of title was shown on this list, which included all the confirmed grants within California. Subsequent Surveyor-General's reports updated "the condition of title" portion of the Stratton report. The last Surveyor-General's report to contain an update was for the years ((1888-1890.)) This report was still incomplete because, under "condition of title," final patent dates for some ranchos were still not entered.

The State Surveyor-General's Office was abolished on August 14, 1929. The successor to the abolished office is the California State Lands Commission.

Commission staff has compiled the (following update to the listing of "Grants of Land in California made by Spanish or Mexican Authorities"), as published in the ("Report of the Surveyor-General of the State of California, from August 1, 1888 to August 1, 1890"). One reason for this update is to enter the patent dates omitted in the 1890 report.

In some instances, ranchos were confirmed by the Land Commissioners and the courts and the necessary surveys were performed: but for unknown reasons, final patents were never issued or could not be found. These unpatented ranchos were included in the 1890 report.

The format for this new listing is alphabetically by county name, which differs from the Surveyor-Generals listing, which is alphabetically by rancho name. This list of confirmed and patented private land claims (ranchos) gives only the name of the final patentee. Public records have been researched to ascertain the correct dates of patent, acreage, and township, range and meridian. When there was a conflict of facts, the records of the Bureau of Land Management were used as the final authority. The 1890 listing is included as an appendix.

Missions, Presidios, and Pueblos

The Spanish plan for the colonization of California was threefold. Comprised of a religious, military, and civil format.

The first and second stages consisted of the concurrent establishment of missions to civilize the native Indians and military reservations, called presidios, to guard the missions and settlers against hostiles. The third stage was the civil portion, consisting of the establishment of farming communities called pueblos.

## MISSIONS

The missions, at one time, encompassed most of the coastal region in California from San Diego to Sonoma. They were founded between the years 1769 through 1823, by the Franciscan monks from the College of San Fernando in Mexico, and under the auspices of the Roman Catholic Church.

To understand the influence of the missionary system in California, one must realize that, within the Spanish Empire, religion and culture were inseparable. The Catholic monarchs specifically decreed the conversion to Catholicism of natives in newly discovered lands. This conversion fulfilled all the requisites for their incorporation into the Spanish Empire. They were instructed in religion and learned the language, customs, economics, and skills of the Spaniards. By this process, the inhabitants of newly discovered and conquered lands were assimilated into the Spanish regime. The mission sites were established with the following particular considerations: water availability, available arable land, accessibility by sea or land, and the proximity to the centers of native population. The missions were constructed similar to a small Spanish village. The dominant building being the church proper, which also served as a defensive fortification at times of hostile attack. Along with the church were quarters for priests, soldiers, married neophytes, dormitories for single males and single female neophytes. Other buildings and barns which were necessary for self-sustenance were incorporated within the mission site. Apart from the mission site were the mission lands which were used for farming and livestock grazing. These mission lands usually extended from one mission to the lands of adjacent missions.

A total of 21 missions were established by the Catholic Church. The Board of Land Commissioners regarded these missions as private land claims and, at the time of the confirmation hearings, was subjected to the same process of confirmation and patenting as the ranchos.

During the confirmation arguments, a distinction was made between the terms "mission" and "mission lands." The term "mission" was used only to include the collection of houses, vineyards, and orchards in the immediate vicinity of the churches and including the stock of cattle and other personal property in the possession of the priests, and useful and necessary in carrying on the missions. The term "mission lands" being the lands adjacent and appurtenant to the missions. used by them for grazing purposes, and occupied only by permission, were the property of the nation and subject at all times to grant under the colonization laws of Spain.

The Board refused to grant "mission lands" in their confirmation procedures; consequently, the land eventually granted to the missions was far less than they had petitioned for.

In 1834, at their zenith, the missions were a thriving concern. They claimed over four hundred thousand cattle, sixty thousand horses, over three hundred thousand sheep, goats, and swine. Wheat, maize, beans, and other staples were grown, with a combined annual product of one hundred and twenty-thousand bushels. Wine, brandy, soap, leather, hides, wool, oil, cotton, hemp, linen, tobacco, salt, and soda were also produced. The missions annual production was estimated at two million dollars.

Archbishop Joseph Sadoc Alemany, acting on behalf of the Roman Catholic Church, filed 21 petitions for confirmation of missions on February 19, 1853. These 21 missions, which were all confirmed and patented, are listed below, beginning with the southernmost one at San Diego and going north.

1. Mission San Diego, in San Diego County. founded under Carlos III, July 16, 1769; containing 22.21 acres. Patented May 23, 1862.
2. Mission San Luis Rey, in San Diego County, founded under Carlos IV, June 13, 1798; containing 53.39 acres. Patented March 3, 1865.
3. Mission San Juan Capistrano, in Orange County, founded under Carlos III, November 10, 1776; containing 44.40 acres. Patented March 18, 1865.

4. Mission San Gabriel Arcangel, in Los Angeles County, founded under Carlos III, September 8, 1771; containing 190.69 acres. Patented November 19, 1859.
5. Mission San Fernando, in Los Angeles County, founded under Carlos IV, September 8, 1797; containing 76.94 acres. Patented May 31, 1864.
6. Mission San Buenaventura, in Ventura County, founded under Carlos III, March 31, 1782; containing 36.27 acres. Patented May 23, 1862.
7. Mission Santa Barbara, in Santa Barbara County, founded under Carlos III, December 4, 1786; containing 283.13 acres. Patented March 18, 1865.
8. Mission Santa Inez, in Santa Barbara County, founded Carlos IV, September 17, 1804; containing 17.34 acres. Patented May 23, 1862.
9. Mission La Purisima Concepcion, in Santa Barbara County. founded under Carlos III, December 8, 1787; containing 14.04 acres. Patented January 24, 1874.
10. Mission San Luis Obispo, in San Luis Obispo County. founded under Carlos III, September 1, 1772; containing 52.72 acres. Patented September 2, 1859.
11. Mission San Miguel Arcangel, in San Luis Obispo County, founded under Carlos IV, July 25, 1797; containing 33.97 acres. Patented September 2, 1859.
12. Mission San Antonio de Padua, in San Luis Obispo County, founded under Carlos III, July 14, 1771; containing 33.19 acres. Patented May 31, 1862.
13. Mission La Soledad, in Monterey County, founded under Carlos IV, October 9, 1791; containing 34.47 acres. Patented November 19, 1859.
14. Mission El Carme or San Carlos de Monterey, in Monterey County, founded under Carlos III, June 3, 1770; containing 9 acres. Patented October 19, 1859.
15. Mission San Juan Bautista, in San Benito County, founded under Carlos IV, June 24, 1797; containing 55.23 acres. Patented November 19, 1859.
16. Mission Santa Cruz, in Santa Cruz County, founded under Carlos IV, August 28, 1791; containing 16.94 acres. Patented September 2, 1859.
17. Mission Santa Clara, in Santa Clara County, founded under Carlos III, January 18, 1777; containing 19.95 acres. Patented March 3, 1858.
18. Mission San Jose, in Alameda County, founded under Carlos IV. June 22, 1797; containing 28.33 acres. Patented.
19. Mission Dolores or San Francisco de Assisi, in San Francisco County, founded under Carlos III, October 9, 1776; two lots. one containing 4.03 acres and the other 4.51 acres. Patented March 3, 1858.
20. Mission San Rafael Arcangel, in Marin County, founded under Fernando VII, December 18, 1817; containing 6.48 acres. Patented October 19, 1859.
21. Mission San Francisco Solano, in Sonoma County, founded under Fernando VII, August 25, 1813; containing 14.20 acres. Patented May 31, 1862.

## Presidios

The establishment of the four Spanish presidios in California was concurrent with the founding of the missions at the same location. These presidios were military reservations founded for the protection of colonizers and the missions located within the protective radius of influence of these military reservations.

A description of these presidios is as follows:

"All the presidios were established on the same plan; choosing a favorable place, they surrounded it by a ditch, twelve feet wide and six deep. The earth of the ditch served for the outwork. The enclosure of the presidio was formed by a quadrilateral, about six hundred feet square. The rampart, built of brick, was twelve to fifteen feet high, by three in thickness; small bastions flanked the angles; the presidio had but two gates. Its armament generally consisted of eight bronze cannon, eight, twelve, and sixteen pounders. Although incapable of resisting an attack of ships of war, these fortifications were sufficient to repel the incursions of the Indians. Not far from the presidios, according to the topography of the land, was an open battery (batterie decouverte), pompously styled 'the castle' (castillo). Within the enclosure of the presidio were the church, the quarters of the officers and soldiers, the houses of colonists, storehouses, workshops, stables, wells and cisterns. Outside were grouped some houses, and at a little distance was the 'King's Farm' (el rancho del rey), which furnished pasturage to the horses and beasts of burden of the garrison. Four coast batteries and four presidios defended Upper California. Those of San Diego, founded in 1769; Monterey in 1770; San Francisco in 1776; and Santa Barbara in 1780. After the year 1770, the infantry in all these garrisons were replaced by dragoons, called companias de cuera (companies with leather armor). These soldiers, who formed the presidial garrisons of all New Spain, wore, besides their ordinary cloth uniform, a sort of buckskin dress, like a coat of mail, which descended to the feet, and was impenetrable to arrows. They wore this uniform only when in the field, and at the moment of combat, with a double-visored helmet; a leathern buckler worn on the left arm, served to ward off arrows and thrusts of the lance in single combat; but, while they defended themselves with the sabre or the lance, they could use neither their pistols nor their muskets. The horses themselves, like those of the old knights of chivalry, were covered with leathern armor. The equipment of each presidio was a Lieutenant with a pay of \$550; a Health Officer, \$450; an Ensign, \$400; a Sergeant, \$265; a Corporal, \$225; and 70 soldiers at \$217 each. Each soldier had seven

horses and a mule, kept on the King's farm. Artillerymen were furnished from the marine department of San Blas, Mexico. The whole establishment of presidio and forts, including the pay of the Governor (he having the rank of Lieutenant Colonel) was \$55,000 per annum."

For protection, settlers began living within the immediate vicinity of the presidios. This congregation of settlers at the presidios prompted the Spanish government to proclaim the four presidios as pueblos. These presidio-pueblos were allotted four square leagues of land to be distributed as house lots and grazing land to soldiers and citizens of the Spanish Empire. The commandants of the presidios were the individuals authorized to grant these lands, which were usually measured from the center of the plaza at the presidio.

## Pueblos

Along with the religious plan of establishing missions and the military plan of founding presidios was the civil plan of establishing farming communities - pueblos - in California. These pueblos were to be established in fertile valleys in the hope that they would supply the presidios with grain and other staples which, at that time, were being shipped from Mexico.

These pueblos were established at San Jose, Los Angeles, Branciforte, and Sonoma. They were originally founded as pueblos, differentiating them from the presidios, which eventually became pueblos.

The pueblo at Branciforte, near present day Santa Cruz, did not fare well and eventually disappeared. The pueblo at Sonoma was founded by the Mexican Empire after the Mexican revolution.

The four pueblos acquired four square leagues of land to be divided into house lots, farm lots, lands to be rented for revenue, commons, and pasture lands. The governor of California in 1779 issued detailed instructions for setting up and maintaining the pueblo of Los Angeles. These instructions, which were apparently applicable to the established pueblo of San Jose and any new pueblos, were approved by the Spanish ruler in 1781. The instructions allotted generous pay and food to settlers, free distribution of house lots, farming land, allotment of farm animals, rules for the disposal of property, and the common privileges of water and firewood.

Of the eight pueblos established, seven survived to be recognized as such by the United States of America.

The Board of Land Commissioners regarded these pueblos as private land grants and required them to submit petitions for confirmation. During these confirmation hearings, an argument arose as to the historical authenticity of the Spanish grant of four leagues of land to these pueblos. The argument contended that no paper title for some of the pueblo grants was found or ever existed, so, consequently, some pueblos were not entitled to the four square leagues. This contention was challenged by the City of San Francisco. During its appeal, the city stated that no such paper or parchment grant ever existed. It was enough that every pueblo, when it reached a certain state of development, became ipso facto, entitled to certain rights in land. It is enough that that development was attained by the Pueblo of San Francisco and was officially conceded to exist by the Spanish government, and its rights in its pueblo lands recognized. When special corporations are created by a general statute, their general powers are not enumerated, but they obtain them from the general act. So the laws of Spain and Mexico have declared from time immemorial that "every fully organized pueblo, as such, shall be entitled to four square leagues of land".

This argument was resolved in favor of the pueblos and the four-league grant. Once resolved, the question of how these four leagues were to be partitioned was raised. Some proponents suggested four leagues square from the center of the pueblo, in each cardinal direction, making a total of 64 square leagues. Others argued that it meant four leagues squared or 16 square leagues. These arguments were put aside by the courts and four square leagues total was established as the extent of the pueblo lands. Each of the seven pueblos were finally confirmed and patented. However, because of encroachments by rancho grants or other circumstances, not all the pueblos received the four square leagues.

The patent date and the area received by the pueblos are listed below, beginning with the southernmost at San Diego and going north.

1. Presidio of San Diego in San Diego County, founded July 16, 1769; patented April 10, 1874 to the City of San Diego; containing 47,323.08 acres.
2. Pueblo of Los Angeles in Los Angeles County, founded in 1781; patented August 4, 1875 to the City of Los Angeles; containing 17,172.37 acres.
3. Pueblo of San Jose in Santa Clara County, founded in 1777; patented July 4, 1884 to the City of San Jose; containing 55,891.77 acres.
4. Presidio of Monterey in Monterey County, founded June 3, 1770; patented November 19, 1891 to the City of Monterey; containing 29,698.53 acres.
5. Presidio of Santa Barbara in Santa Barbara County, founded April 19, 1782; containing 17,826.17 acres; patented June 31, 1872 to the City of Santa Barbara.
6. Presidio of San Francisco in San Francisco County, founded on September 17, 1776; patented June 20, 1884 to the City of San Francisco; containing 17,754.36 acres.
7. Pueblo of Sonoma in Sonoma County, founded in 1835 by the Mexican government; patented March 31, 1880 to the City of Sonoma; containing 6,063.95 acres.